

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, a  
Pennsylvania corporation,

Plaintiff -Counterdefendant,

V.

DISCOVER FINANCIAL SERVICES,  
a Delaware corporation; DISCOVER  
BANK, a Delaware chartered bank;  
DFS SERVICES LLC, a Delaware limited liability  
company; and DISCOVER PRODUCTS, INC.,  
a Utah corporation,

## Defendants-Counterclaimants.

Case Number: 1:08-cv-2187

Judge David H. Coar

Magistrate Judge Sidney I. Schenkier

## AMENDED PROPOSED SCHEDULING ORDER

## 1. DISCOVERY

The following time limits and deadlines shall be applicable:

- A. Disclosures required by Rule 26(a)(1) were made on July 17, 2008.
- B. Any amendments to pleadings or actions to join other parties shall be filed on or before August 15, 2008.
- C. The cut-off of fact discovery is July 31, 2009.
- D. Plaintiff shall disclose expert testimony pursuant to Rule 26(a)(2) on or before September 1, 2009.

Defendants shall disclose expert testimony pursuant to Rule 26(a)(2) on or before October 1, 2009.

- E. Defendant may depose Plaintiff's expert at anytime prior to October 1, 2009.

Plaintiff may depose Defendants' expert at anytime prior to October 31, 2009.

- F. Defendants shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to October 22, 2009.

Plaintiff shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(c) at any time prior to November 23, 2009.

G. Plaintiff and Defendants may depose one another's respective rebuttal expert at anytime prior to December 14, 2009.

## **2. MOTIONS**

The parties intend to file cross-motions for summary judgment concerning the duty to defend on or before September 8, 2008, with cross-responses to be filed on or before October 8, 2008, and cross-replies to be filed on or before October 29, 2008.

The deadline for filing any dispositive motions addressing issues other than the duty to defend shall be August 31, 2009.

## **3. FINAL TRIAL PRETRIAL ORDER AND CONFERENCE**

The final pretrial order shall be filed on or before December 28, 2009.

The final pretrial conference will be held on \_\_\_\_ at \_\_\_\_\_. (TO BE SET BY COURT AT RULE 16 CONFERENCE)

## **4. TRIAL**

Trial is set in this matter on \_\_\_\_ at 10:00 a.m. (TRIAL DATE WILL BE SET BY COURT AT THE RULE 16 CONFERENCE)

## **5. STATUS HEARINGS**

A further status hearing/preliminary pretrial conference should be held on \_\_\_\_\_.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

By: s/Daniel I. Graham, Jr.  
One of Its Attorneys

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DISCOVER FINANCIAL SERVICES,  
DISCOVER BANK, DFS SERVICES LLC, and  
DISCOVER PRODUCTS, INC.

By: s/Giel Stein  
One of Their Attorneys

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**ATTESTATION**

I hereby attest that I have signed both this Amended Proposed Scheduling Order and corresponding Amended Report of Parties' Planning Conference (Docket No. 29) on behalf of Mr. Stein, one of the attorneys for Discover Financial Services, Discover Bank, DFS Services LLC, and Discover Products, Inc., with his consent and that this attestation is executed this 25<sup>th</sup> day of July 2008, at Chicago, Illinois.

By: s/Daniel I. Graham, Jr.  
One of Its Attorneys

One of the attorneys for  
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